



Entered on Docket  
September 27, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: rcharles@lrlaw.com  
jhinderaker@lrlaw.com  
mruth@lrlaw.com

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Fifth Omnibus Objection  
Of USACM Trust To Proofs Of Claim  
Based In Part Upon Investment In The  
Brookmere Matteson Loan**

Hearing Date: August 30, 2011  
Hearing Time: 10:30 a.m.

The Court having considered the "Fifth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Brookmere Matteson Loan," ("Brookmere Matteson Loan") [DE 8658] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that

1 the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right  
2 to repayment by the borrower or from the collateral securing the Brookmere Matteson  
3 Loan; and good cause appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 8658] is sustained; and  
6 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
7 claims are based upon an investment in the Brookmere Matteson Loan.  
8

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

15 3993 Howard Hughes Parkway, Ste. 600

16 Las Vegas, Nevada 89169-5996

17 Telephone: (702) 949-8320

18 Facsimile: (702) 949-8321  
19  
20  
21  
22  
23  
24  
25  
26

*Attorneys for USACM Liquidating Trust*

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**UJA-CAJL Trust**  
**Brookmere/Matteson**  
**Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Brookmere/Matteson \$27,050,000 Loan</b>
10725-02333	1/13/2007	Davis Investments	20 Leroy Terrace New Haven, CT 06512	2,000,000.00	49,316.71
10725-01417	12/4/2006	Davis Joint Tenants, Patick & Susan W/Right Of Survivorship	737 Bannerman Lane Fort Mill, SC 29715	62,500.00	25,000.00
10725-02063	1/11/2007	Dery, James D & Ann R Husband & Wife	10 Longmeadow LN Beachwood, OH 44122	2,793,347.72	24,483.61
10725-01395	11/9/2006	Dutkin Trustee, John	C/O George D Frame Esq 601 Greenway Ste D Henderson, NV 89002	56,120.90	6,120.90
10725-00898	11/1/2006	Fossati, David	C/O Martin P Meyers 1000 Sw Broadway Ste 1400 Portland, OR 97205	286,523.47	26,658.35
10725-02031	1/11/2007	Freda Newman Trust Dtd 7/26/84	Freda Newman Trustee C/O Daniel Newman 125 Elysian Dr Sedona, AZ 86336	467,009.44	6,120.90
10725-02277	1/12/2007	Gale Gladstone-Katz Revocable Trust	Jan Logan, Trustee 8405 Mill Station Road Sebastopol, CA 95472	1,354,118.10	24,483.61
10725-00305	9/29/2006	Gloria N Cherrington Trust Dtd 10/13/2004	Gloria Cherrington Ttee 350 E Desert Inn Las Vegas, NV 89109-9007	Unknown	Unknown
10725-01541	12/7/2006	Graham Family Trust DTD 10/26/78	Robin B & Celia Allen Graham Ttees 1460 Twinridge Rd Santa Barbara, CA 93111-1223	503,808.00	28,412.36
10725-00063	7/17/2006	Hedlund, Michael & Carol	Albright Stoddard Warnick & Albright 801 S Rancho Dr #D-4 Las Vegas, NV 89106	262,241.81	12,241.81

**EXHIBIT A**